

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEX BARRON,

Defendant.

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CRIMINAL NO. EP-20-CR-1506-KC

**UNITED STATES OF AMERICA'S
MOTION FOR PRELIMINARY ORDER OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney and files this Motion for Preliminary Order of Forfeiture pursuant to the provisions of Title 21 U.S.C. § 853(n)(1)-(7), and Fed. R. Crim. P. 32.2(b)(2), 32.2(b)(2)(B), and 32.2(c)(1), and in support thereof states the following:

I.

On June 21, 2021, Defendant ALEX BARRON entered a plea of guilty pursuant to a written Plea Agreement (Doc. 43) to Count One of the Indictment (Doc. 10) returned against him, charging him with the violations of Title 18 U.S.C. §§ 922(g)(1) and 924(a)(2). The Indictment included a Notice of Demand for Forfeiture. On May 24, 2021, the Government filed a Bill of Particulars for Forfeiture of Property (Doc. 40) giving notice to Defendant ALEX BARRON of its intent to seek forfeiture of the properties described below pursuant to Title 18 U.S.C. § 924(d)(1) and Title 26 U.S.C. § 5872, as made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), namely:

1. Shanobalch model 62;
2. Harrington Richardson 12 gauge shotgun;
3. Optic covers and trigger pins;
4. Lower receiver (pink);
5. AR 15 style pistol (black and grey);
6. AR 15 style pistol machine gun (pink and black);
7. Lower receiver (white)
8. "Hello Kitty" AR 15 style pistol (black);
9. AR 15 style lower receiver (pink);
10. Lower receiver (white with shavings);
11. AR 15 style pistol (pink and black);
12. Firearm component;
13. Four (4) – AR 15 style buffer springs and one buffer tube;
14. AR style bolt;
15. AK magazine, gun stand, firearm components, upper receiver and barrel;
16. One (1) 5.56 magazine;
17. Twenty-Eight (28) .223 caliber ammunition;
18. Black Hawk handgun holster;
19. One (1) round AP 5.56 caliber ammunition;
20. AR lower receiver (white);
21. Gun parts;
22. One (1) round Luger 9mm ammunition;
23. Magazine opmg;
24. Gun tool/Equipment
25. 9mm Luger Hornady;
26. One (1) 9mm shell caseing and One (1) rifle shell casing;
27. Rifle hand guard;
28. One (1) round .556 caliber ammunition;
29. One (1) round Luger 9mm ammunition;
30. One (1) round Winchester .223 caliber ammunition;

31. One (1) take down pin;
32. Three (3) rounds Luger 9mm ammunition and One (1) take down pin
33. One (1) take down pin;
34. One (1) Springfield Armory 9mm magazine;
35. One (1) round Winchester .223 caliber ammunition;
36. One (1) round Remington .223 caliber ammunition;
37. One (1) round Luger 9mm ammunition;
38. One (1) round Luger 9mm ammunition;
39. One (1) magazine (black) with 9mm round ammunition;
40. One (1) 9mm Luger round casing;
41. One (1) firearm grip (black);
42. One (1) magazine loader;
43. One (1) round Luger 9mm ammunition;
44. One (1) black silencer;
45. AR-15 style receiver (black and cream);
46. One (1) round AP 17 .556 caliber ammunition;
47. One (1) magazine (blue) containing AP 17 .556 caliber ammunition;
48. One (1) AR-15 short barrel rifle (black);
49. One (1) round AP 15 .556 caliber ammunition;
50. One (1) magazine (orange) containing AP 17 .556 caliber ammunition;
51. One (1) AR-15 style pistol with black suppressor (black and silver) with “Hello Kitty” stickers;
52. One (1) A USA .223 REM caliber ammunition;
53. AR-15 style pistol (tan and black) and red magazine;
54. One (1) suppressor (silver); and
55. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offense,

hereinafter referred to as the Subject Personal Properties.

As part of his guilty plea, Defendant ALEX BARRON agreed to immediately and voluntarily forfeit all his right, title, and interest in the Subject Personal Properties.

II.

The United States of America moves the Court to find that Defendant ALEX BARRON has an interest in the Subject Personal Properties and that the United States of America has proven by a preponderance of the evidence the nexus between the Subject Personal Properties and the violations of Title 18 U.S.C. §§ 922(g)(1) and 924(a)(2) by virtue of the Defendant's Plea Agreement (Doc. 43) with the factual basis contained therein.

Accordingly, the United States of America moves this Honorable Court for entry of a Preliminary Order of Forfeiture, which forfeits all right, title, and interest of Defendant ALEX BARRON in the Subject Personal Properties.

III.

The United States moves the Court, pursuant to Title 21 U.S.C. § 853(g) and Fed. R. Crim. P. 32.2(b)(3), for an Order authorizing the United States through its lawfully designated agents and agencies, including the Federal Bureau of Investigation, to seize, take custody, control and possession of the Subject Personal Properties whether held by Defendant ALEX BARRON or a third party.

IV.

The United States further moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(6)(A) and (C) and Title 21 U.S.C. § 853(n)(1), for an Order authorizing the United States to cause publication for at least 30 consecutive days on an official government internet web site (www.forfeiture.gov) of notice of the Preliminary Order of Forfeiture, and of its intent to dispose of the Subject Personal Properties in such manner as the United States directs.

The United States of America further moves this Court for an Order authorizing that the contents of the published notice be in compliance with Fed. R. Crim. P. 32.2(b)(6)(B).

V.

The United States further moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(6)(A), for an Order authorizing the United States to send direct notice of the Preliminary Order of Forfeiture to any person or entity who reasonably appears to the United States to be a potential petitioner with standing to contest the forfeiture in the ancillary proceeding.

The United States of America further moves this Honorable Court that Appendix A¹ be served on potential petitioners along with the Preliminary Order of Forfeiture.

VI.

Pursuant to Fed. R. Crim. P. 32.2(c)(1)(B) and in an effort to promote judicial economy, the United States further moves the Court for an Order authorizing the United States to commence discovery proceedings, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas pursuant to Fed. R. Civ. P. 45, at the time that any petitions are filed in order to resolve any third-party issues.

VII.

Lastly, the United States moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(4)(B), to order that at the time of the sentencing of Defendant ALEX BARRON the forfeiture of the Subject Personal Properties be included in his Judgment in a Criminal Case.

¹Appendix A, which is entitled “Direct Notice of Preliminary Order of Forfeiture,” sets forth the appropriate procedures, deadlines and applicable statutes necessary to file a third-party petition.

WHEREFORE, PREMISES CONSIDERED, the United States of America moves this Honorable Court for entry of a Preliminary Order of Forfeiture.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2021, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

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 /s/
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